

Notice of Allowability

Application No.

10/006,743

Examiner

Samson B. Lemma

Applicant(s)

STONE, JONATHAN JAMES

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on October 06, 2005.
2. ☒ The allowed claim(s) is/are 1,2,5,7-11,13,15,17-28 and 31-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The request filed October 06, 2005 for a request for continued examination (RCE) under 37 CFR 1.114 based on patent application 10/006,743 is acceptable and an RCE has been established. Accordingly, **claims 1-2, 5, 7-11, 13, 15, 17-28 and 31-44 are pending and have been examined.**
2. **Independent claims 1, 11, 21-24 and 40** have been amended.
3. **Dependent claim 15** has been amended.
4. **Claims 3, 4, 6, 12, 14, 16, 29 and 30** have been canceled.

Allowable Subject Matter

5. **Claims 1-2, 5, 7-11, 13, 15, 17-28 and 31-44** are allowed.
6. The following is an examiner's statement of reasons for allowance:
7. With respect to **the independent claims 1, 11, 21-24 and 40** the art on the record, namely the combination **Chung, Linnartz and Hayashi discloses** all of the limitation of the recited claims before the claims were amended.

However the independent claims have been amended by the applicant and the limitation which was added to the respective independent claims makes the application novel. As applicant persuasively argued the subject matter disclosed in the independent claims provides a **method which automatically and independently of the user removes and re-inserts an encrypted watermark and provides a closed system to which the user does not have access.**

Accordingly, the watermark which has been encrypted before embedding in the material is removed, de-encrypted and re-encrypted for insertion after the material has been processed.

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It has been verified that no new matter has been introduced by the amendment since the support is found at least on page 1 and page 4 of the specification.

The art on the record namely the combination of **Chung, Linnartz and Hayashi** does not disclose or suggest such a limitation and the subject matter recited in the limitation can not be derived from the combination of the references namely **Chung, Linnartz and Hayashi**.

None of the prior art of record taken singularly or in combination teaches or suggests a method/apparatus **with all the limitations recited in respective claims in combination with the functional limitation added after amendment**.

For the reasons provided above, the amended independent claims **1, 11, 21-24 and 40** are allowed.

8. **The dependent claims 2, 5, 7-10, 13, 15, 17-20, 25-28 and 31-39 and 41-44, which are dependent on the independent claim 1, 11, 21-24 and 40** being further limiting to the independent claims, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is


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571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am --4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on at 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA
S.L.
12/16/2005


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
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